

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

SAHIL PATEL,

Defendant.

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X

**ORDER DENYING
DEFENDANT'S MOTION FOR
RETROACTIVE APPLICATION
OF SENTENCING GUIDELINE
AMENDMENT 821**

14 Cr. 158 (AKH)

19 Civ. 2901 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

I deny Defendant's motion for resentencing under the retroactive application of Amendment 821 of the United States Sentencing Guidelines, which provides for a two-level reduction of a defendant's offense level in certain cases. Defendant is not eligible for this reduction since he received a four-level increase under U.S.S.G. § 3B1.1(a) for leading a criminal enterprise consisting of well over five participants. *See* U.S.S.G. § 4C1.1(a)(10) (defendants who received an adjustment under U.S.S.G. § 3B1.1 are ineligible for a zero-point offender reduction under Amendment 821).

The Clerk shall terminate ECF No. 149 of 14 Cr. 158.

I also deny Defendant's petition contained in ECF No. 18 of 19 Civ. 2901, and direct the Clerk to terminate this motion as well. This filing is duplicative of the petition that Defendant previously filed in 14 Cr. 158 at ECF No. 147, which I already denied as successive. *See* ECF No. 148.

The Clerk shall mail a copy of this order to Defendant.

SO ORDERED.

Dated:

November 13, 2024
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge